

### REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3-9, and 11-16 are currently pending. Claims 1, 5, 9, 14, and 15 have been amended by the present amendment. The changes to the claims are for the purpose of clarification only and do not add new matter.

In the outstanding Office Action, Claims 1-9 and 11-16 were rejected under 35 U.S.C. § 112, second paragraph, regarding questions of definiteness; Claims 1, 4, 6-9, and 11-16 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0005135 to Inoue et al. (hereinafter “the ‘135 application”); Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘135 application; and Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘135 application in view of U.S. Patent No. 7,127,431 to Kambayashi et al. (hereinafter “the ‘431 patent”).

### REJECTION UNDER 35 U.S.C. § 112

Regarding the rejections of Claims 1-9 and 11-16 under 35 U.S.C. § 112, second paragraph, Claims 1, 9, and 15 have been amended to address the informalities noted in the Office Action. In particular, Claims 1 and 15 have been amended to recite that the license processing unit is configured to combine or overwrite the first license information with the second license information, and Claim 9 has been amended to recite that the license information is stored in a memory and a step of combining or overwriting a part or all of said first license information with the second license information. Accordingly, the rejections of Claims 1-9 and 11-16 under 35 U.S.C. § 112, second paragraph, are believed to have been overcome.

REJECTION UNDER 35 U.S.C. § 102

Amended Claim 1 is directed to an information processing apparatus configured to operate content information according to usage conditions described in license information, comprising:

a storage unit configured to store first license information corresponding to the content information, the first license information including a first usage condition;

a receiving unit configured to receive second license information corresponding to the content information from a license server, the second license information including a second usage condition and usage right type information; and

*a license processing unit configured to determine whether the second license information is of an add attribute or an overwrite attribute based on the usage right type information included in the second license information, and to combine or overwrite the first license information with the second license information based on the determination of whether the second license information is of the add attribute or the overwrite attribute,*

wherein the content information is operated according to license information obtained by combining or overwriting the first license information and the second license information, and

the storage unit is configured to store the license information obtained by combining or overwriting the first license information and the second license information.

Regarding the rejection of Claim 1 under 35 U.S.C. § 102(e), the '135 application is directed to a license management server, license management system, and usage restriction method. In particular, the '135 application discusses a parental control system in which a parent sets a usage restriction on a child's usage of content in the home and a temporary usage restriction system in which a restriction is set on usage of content by a temporary user who uses the content using another's terminal device temporarily.<sup>1</sup> The Office Action

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<sup>1</sup> See '135 application, paragraph [0002].

apparently cites the '135 license ticket generation unit 117 for teaching the claimed "license processing unit."<sup>2</sup>

However, it is respectfully submitted that the '135 application fails to disclose a license processing unit configured to determine whether the second license information is of an add attribute or an overwrite attribute based on the usage right type information included in the second license information, and to combine or overwrite the first license information with the second license information based on the determination of whether the second license information is of the add attribute or the overwrite attribute. Rather, as cited in the Office Action, the '135 application discusses that the license ticket generation 117 updates a usage rule of right information 400 based on a licensed ticket issuance request including a requested usage amount.<sup>3</sup> Further, the '135 application discusses that the license ticket generation 117 integrates a generated license ticket 1 (corresponding to a usage rule of the concerned content) and a license ticket 2 (corresponding to the parental usage restriction) so as to generate one license ticket 3 (a child license ticket), if a terminal which makes the license ticket issuance request is registered in a parental control information database 114.<sup>4</sup> The '135 application does not disclose that the license ticket generation unit 117 ***determines whether the license ticket 1 or license ticket 2 is of an add attribute or an overwrite attribute***, or that the license ticket generation unit 117 ***combines or overwrites*** the license ticket 1 with the license ticket 2 (or vice versa) to generate the one license ticket 3 ***based on the determination of whether the license ticket 2 (or license ticket 1) is of an add attribute or an overwrite attribute.***

Accordingly, Applicant respectfully traverses the rejection of Claim 1 (and all associated dependent claims) as being anticipated by the '135 application.

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<sup>2</sup> See Office Action dated May 4, 2009, page 4.

<sup>3</sup> See '135 application, paragraph [0117].

<sup>4</sup> Id. at paragraphs [0060] and [0119].

Amended Claim 9 recites, *inter alia*,

determining, by a processor, whether said second license information is of an add attribute or an overwrite attribute based on the usage right type information included in the second license information;

combining or overwriting a part or all of said first license information with the second license information on the basis of a result of the determining.

Amended Claim 15 recites, *inter alia*,

a license processing unit configured to determine whether the second license information is of an add attribute or an overwrite attribute based on the usage right type information included in the second license information, and to combine or overwrite the first license information with the second license information based on the determination of whether the second license information is of the add attribute or the overwrite attribute.

As noted above, the '135 application fails to disclose the license processing unit of Claim 1. Thus, the '135 application fails to disclose the information processing method and information processing system defined in Claims 9 and 15, respectively. Accordingly, Applicant respectfully traverses the rejections of Claims 9 and 15 (and all associated dependent claims) as being anticipated by the '135 application.

Dependent Claim 16 is directed to the information processing apparatus according to claim 1, wherein

the first license information and the second license information have the same data structure, and include the same plurality of types of information.

Regarding the rejection of Claim 16 under 35 U.S.C. § 102(e), the Office Action cites Fig. 4, which is discussed to show how to store right information in a content usage right database, for teaching all the features of Claim 16.<sup>5</sup>

However, it is respectfully submitted that the '135 application fails to disclose that the first license information and the second license information have the same data structure, and

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<sup>5</sup> See Office Action dated May 4, 2009, page 4.

include the same plurality of types of information. Rather, the '135 application discusses that the generated license ticket 1 (i.e., the asserted first license information) corresponds to a usage rule of the concerned content corresponding to a usage duration or usage number and a request. Further, the '135 application discusses that the license ticket 2 (i.e., the asserted second license information) corresponds to a parental usage restriction.<sup>6</sup> The '135 application does not disclose that the generated license ticket 1 and license ticket 2 correspond to stored right information 400, as cited in the Office Action. Further, the '135 application does not disclose that the license ticket 1 and license ticket 2 have *the same data structure, and include the same plurality of types of information.*

Accordingly, Applicant respectfully traverses the rejection of dependent Claim 16 as being anticipated by the '135 application.

#### REJECTION UNDER 35 U.S.C. § 103

Regarding the rejection of Claim 3 under 35 U.S.C. § 103(a), the Office Action continues to simply assert that:

[a]s for overwriting the first license information with the second license information this is considered nonfunctional descriptive material. The overwriting step would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry* 32F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to overwrite information with any type of content because of the subjective interpretation of the data does not patentably distinguish the claimed invention.

However, as noted in the previously filed Amendment dated March 5, 2009, Claim 3 recites: “wherein, when the second license information is determined to be of the overwrite attribute, the license processing unit is configured to write a part or all of the second license

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<sup>6</sup> See '135 application, paragraphs [0060] and [0119].

information over said first license information.” Thus, Applicant respectfully traverses the assertion that overwriting the first license information with the second license information is considered nonfunctional descriptive material, as the recited “write a part or all of the second license information over said first license information” clearly defines the configuration of the claimed license processing unit. Accordingly, Applicant respectfully traverses the rejection of dependent Claim 3 as being unpatentable over the ‘135 application.

Further, should the Examiner wish to maintain this rejection of dependent Claim 3, it is respectfully requested that the Examiner provide evidence as to why a license process unit that is configured to write a part or all of the claimed second license information over the claimed first license information is considered nonfunctional descriptive material, which is defined in M.P.E.P. § 2106.01 as including but not limited to music, literary works, and a combination or mere arrangement of data.

Regarding the rejection of dependent Claim 5 under 35 U.S.C. § 103(a), it is respectfully submitted that the ‘431 patent fails to remedy the deficiencies of the ‘135 application, as discussed above. Accordingly, Applicant respectfully traverses the rejection of dependent Claim 5 as being unpatentable over the ‘135 application and the ‘431 patent.

#### CONCLUSION

Thus, it is respectfully submitted that independent Claims 1, 9, and 15 (and all associated dependent claims) patentably define over any proper combination of the ‘135 application and the ‘431 patent.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.


Respectfully submitted,

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